(2) after the proviso, the following proviso and *Explanation* shall be added, namely :—

" Provided further that if no qualified member of the Scheduled Castes or Scheduled Tribes is available for appointment as a member of the Board of Trustees, the Commissioner may in lieu of a member of the Scheduled Castes or Scheduled Tribes appoint as a member of such Board a person not belonging to the Scheduled Castes or Scheduled Tribes.

Explanation.—For the purpose of this sub-section, " Scheduled Castes " and " Scheduled Tribes " shall have the same meaning as in the Constitution of India ".

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[82-ம் பக்கத்தில் இனம் 5(4)க்கான அடிக்குறிப்பைக் காண்க.]

L.A. Bill No. 26 of 1972.

(As passed by the Assembly).

A Bill further to amend the Tamil Nadu Cultivating Tenants Protection Act, 1955, *and the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act,* 1956 *and to extend those Acts to the Kanyakumari district in the State of Tamil Nadu.*

Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972.

(2) It shall come into force at once.

2. *Amendment of Tamil Nadu Act XXV of* 1955.—In the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955),—

(i) in section 2-A, after sub-section (2), the following sub-section shall be added, namely :—

"(3) In relation to the Kanyakumari district, the expressions ' the commencement of this Act ', ' such commencement ', ' the day this Act comes into force ', ' the date of coming into

force of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1956', 'the day the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1956 comes into force', and 'the coming into force of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1956' wherever they occur in this Act except in sub-sections (1) and (2) of this section and clause (*a*) of, and *Explanation II* to sub-section (2) of section 3 shall be construed as referring to the date on which the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972, is first published in the *Tamil Nadu Government Gazette*.";

(ii) in section 3,—

(*a*) in sub-section (2), after *Explanation* III, the following Explanation shall be added, namely :—

"*Explanation IV*.—In relation to the Kanyakumari district, clause (*aa*) of this sub-section shall have effect as if the following clause had been substituted, namely :—

'(*aa*) who, if in arrear on the date on which the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972, is first published in the *Tamil Nadu Government Gazette*, with respect to the rent payable to the landlord and accrued due during a period of one month before such date does not pay such rent within a month after such date, or who in respect of rent payable to the landlord after such date, does not pay such rent within a month after such rent becomes due; or "

(*b*) in sub-section (3), after *Explanation* II, the following *Explanation* shall be added, namely :—

"*Explanation III*.—In relation to the Kanyakumari district, the expression 'rent accrued due subsequent to the 31st March 1954', occurring in sub-clause (i) of clause (*a*) of this sub-section shall be construed as referring to rent accrued due during a period of one month before the date on which the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972, is first published in the *Tamil Nadu Government Gazette*.";

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(iii) in section 4, after *Explanation* II, the following *Explanation* shall be added, namely :—

" *Explanation III*—Nothing in sub-sections (1), (2) and (3) shall apply to the Kanyakumari district. ";

(iv) in section 4-A, the *Explanation* shall be numbered as *Explanation* I, and after the *Explanation* as so renumbered, the following *Explanation* shall be added, namely :—

" *Explanation II*.—In relation to the Kanyakumari district, the expression '27th September 1955' occurring in sub-section (3) and the expression '1954–55 or 1955–56' occurring in sub-section (4) shall be construed respectively as referring to the date on which the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972, is first published in the *Tamil Nadu Government Gazette* and '1970-71 or 1971-72'. ";

3. *Amendment of Tamil Nadu Act XXIV of* 1956.—In the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Tamil Nadu Act XXIV of 1956),—

(i) in section 1, in sub-section (3), after the second proviso, the following proviso shall be added, namely :—

" Provided also that in the Kanyakumari district, it shall come into force on the date on which the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972, is first published in the *Tamil Nadu Government Gazette*."; and

(ii) in section 3,—

(*a*) in sub-section (1), after *Explanation* II, the following *Explanation* shall be added, namely :—

" *Explanation III*.—In relation to the Kanyakumari district,—

(i) the expression 'first day of October 1956' occurring in this sub-section except in *Explanations* I and II shall be construed as referring to 'date on which the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972', is first published in the *Tamil Nadu Government Gazette*."; and

(ii) the proviso to this sub-section shall be deemed to have been omitted. ";

(*b*) in sub-section (7), after *Explanation* IV, the following *Explantion* shall be added, namely :—

" *Explanation V.*—In relation to the Kanyakumari district, the expression ' commencement of this Act ' occurring in this sub-section except in *Explanations* III and IV shall be construed as referring to ' date on which the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972, is first published in the *Tamil Nadu Government Gazette* '. ";

(iii) in section 5, in sub-section (1), after *Explanation* II, the following *Explanation* shall be added, namely :—

" *Explanation III.*—In relation to the Kanyakumari district, the expression ' the date on which this Act is first published in the *Fort St. George Gazette* ', occurring in the first proviso to this sub-section shall be construed as referring to ' the date on which the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972, is first published in the *Tamil Nadu Government Gazette* ' . ";

(iv) in section 14, in sub-section (2) after *Explanation* II, the following *Explanation* shall be added namely :—

" *Explanation III.*—In relation to the Kanyakumari district the expression ' the agricultural year ending in 1957 ' wherever it occurs in this sub-section except in *Explanations* I and II shall be construed as referring to ' the agricultural year ending in 1973 '. ";

4. *Extention of Tamil Nadu Acts XXV of* 1955 *and XXIV of* 1956 *to Kanyakumari district.*—The Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955), and the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Tamil Nadu Act XXIV of 1956), as in force immediately before the commencement of this Act and as amended by this Act (hereinafter referred to as the said Acts) are hereby extended to, and shall be in force in, the Kanyakumari district (hereinafter referred to as the said district).

5. *Repeal of corresponding laws.*—Any law corresponding to either of the said Acts in force in the said district immediately before the commencement of this Act (hereinafter referred to as the corresponding law) shall stand repealed on such commencement.

6. *Savings.*—(1) The repeal, by section 5, of the corresponding law shall not affect—

(*a*) the previous operation of the corresponding law or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the corresponding law; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the corresponding law; or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the provisions of sub-section (1), anything done or any action taken including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation or form framed, certificate granted or registration effected under the corresponding law shall be deemed to have been done or taken under the said Acts and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the said Acts.

7. *Powers of courts and other authorities for purposes of facilitating application of the said Acts.*—For the purpose of facilitating the application of the said Acts in the said district any court or other authority may continue the said Acts with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before the court or other authority.

8. *Construction of references to laws not in force in the Kanyakumari district.*—(1) Any reference in the said Acts to a law which is not in force in the said district shall, in relation to that district, be construed as a reference to the law, if any, in force in that district corresponding to the law referred to in the said Acts.

(2) Any reference in any law which continues to be in force in the said district after the commencement of this Act to the corresponding law shall, in relation to that district, be construed as a reference to the said Acts.

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TAMIL NADU LEGISLATIVE ASSEMBLY
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